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of the State of California
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Supervising Deputy Attorney General
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California Department of Justice
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Amended Petition to Revoke
Probation Against:

VICTOR RAYMOND LOPEZ

85 Arbor Street
San Francisco, CA 94131

Registered Nurse License No. 405180

Respondent.

Case No. 2004-351

**A M E N D E D
PETITION TO REVOKE
PROBATION**

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Amended Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about August 31, 1986, the Board of Registered Nursing issued Registered Nurse License Number 405180 to Victor Raymond Lopez (Respondent). The Registered Nurse License was in effect at all times relevant to the charges brought herein and will expire on April 30, 2008, unless renewed.

3. In a disciplinary action entitled "In the Matter of Accusation Against Victor Raymond Lopez," Case No. 2004-351, the Board of Registered Nursing, issued a decision, effective April 21, 2005, in which Respondent's Registered Nurse License was revoked.

1 However, the revocation was stayed and Respondent's license was placed on probation for a
2 period of three (3) years with certain terms and conditions. A copy of that decision is attached as
3 Exhibit A and is incorporated by reference.

4 JURISDICTION

5 4. This Amended Petition to Revoke Probation is brought before the Board
6 of Registered Nursing (Board), Department of Consumer Affairs.

7 FIRST CAUSE TO REVOKE PROBATION

8 (Failure to Comply With Terms and Conditions of Probation)

9 5. At all times after the effective date of Respondent's probation, Condition 2
10 stated:

11 **Comply with the Board's Probation Program.** Respondent shall fully comply
12 with the conditions of the Probation Program established by the Board and
13 cooperate with representatives of the Board in its monitoring and investigation of
14 the Respondent's compliance with the Board's Probation Program. Respondent
shall inform the Board in writing within no more than 15 days of any address
change and shall at all times maintain an active, current license status with the
Board, including during any period of suspension.

15 Upon successful completion of probation, Respondent's license shall be
16 fully restored.

17 6. Respondent's probation is subject to revocation because he failed to
18 comply with Probation Condition 2, referenced above. The facts and circumstances regarding
19 this violation are that Respondent failed to comply with Probation Condition 16, as set forth in
20 paragraphs 7 and 8, below, in that he failed to abstain from the use of alcohol.

21 SECOND CAUSE TO REVOKE PROBATION

22 (Failure to Abstain from Use of Psychotropic Drugs or Alcohol)

23 7. At all times after the effective date of Respondent's probation, Condition
24 16 stated:

25 **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
26 completely abstain from the possession, injection or consumption by any route of
27 all psychotropic (mood altering) drugs, including alcohol, except when the same
28 are ordered by a health care professional legally authorized to do so as part of
documented medical treatment. Respondent shall have sent to the Board, in
writing and within fourteen (14) days, by the prescribing health professional, a
report identifying the medication, dosage, the date the medication was prescribed,
the Respondent's prognosis, the date the medication will no longer be required,

1 and the effect on the recovery plan, if appropriate.

2 Respondent shall identify for the Board a single physician, nurse practitioner or
3 physician assistant who shall be aware of Respondent's history of substance abuse
4 and will coordinate and monitor any prescriptions for Respondent for dangerous
5 drugs, controlled substances or mood-altering drugs. The coordinating physician,
6 nurse practitioner, or physician assistant shall report to the Board on a quarterly
7 basis Respondent's compliance with this condition. If any substances considered
8 addictive have been prescribed, the report shall identify a program for the time
9 limited use of any such substances.

10 The Board may require the single coordinating physician, nurse practitioner, or
11 physician assistant to be a specialist in addictive medicine, or to consult with a
12 specialist in addictive medicine.

13 8. Respondent's probation is subject to revocation because he failed to
14 comply with Probation Condition 16, referenced above, in that he failed to abstain from alcohol.
15 The facts and circumstances regarding this violation are that Respondent tested positive for
16 alcohol on the following dates: December 19, 2006, January 16, 2007, March 26, 2007, May 29,
17 2007 and January 14, 2008.

18 PRAYER

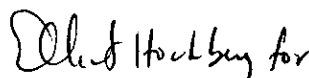
19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking the probation that was granted by the Board of Registered
22 Nursing in Case No. 2004-351 and imposing the disciplinary order that was stayed thereby
23 revoking Registered Nurse License No. 405180 issued to Victor Raymond Lopez;

24 2. Revoking or suspending Registered Nurse License No. 405180, issued to
25 Victor Raymond Lopez;

26 3. Taking such other and further action as deemed necessary and proper.

27 DATED: 2/14/08

28 
RUTH ANN TERRY, M.P.H., R.N
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Petition to Revoke Probation
Against:

Case No. 2004-351

12 VICTOR RAYMOND LOPEZ
13 85 Arbor Street
San Francisco, CA 94131

**PETITION TO REVOKE
PROBATION**

14 Registered Nurse License No. 405180

15 Respondent.
16

17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Petition to Revoke
20 Probation solely in her official capacity as the Executive Officer of the Board of Registered
21 Nursing, Department of Consumer Affairs.

22 2. On or about August 31, 1986, the Board of Registered Nursing issued
23 Registered Nurse License Number 405180 to Victor Raymond Lopez (Respondent). The
24 Registered Nurse License was in effect at all times relevant to the charges brought herein and
25 will expire on April 30, 2008, unless renewed.

26 3. In a disciplinary action entitled "In the Matter of Accusation Against
27 Victor Raymond Lopez," Case No. 2004-351, the Board of Registered Nursing, issued a
28 decision, effective April 21, 2005, in which Respondent's Registered Nurse License was revoked.

1 However, the revocation was stayed and Respondent's license was placed on probation for a
2 period of three (3) years with certain terms and conditions. A copy of that decision is attached as
3 Exhibit A and is incorporated by reference..

4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the Board of
6 Registered Nursing (Board), Department of Consumer Affairs.

7 FIRST CAUSE TO REVOKE PROBATION

8 (Failure to Comply With Terms and Conditions of Probation)

9 5. At all times after the effective date of Respondent's probation, Condition 2
10 stated:

11 **Comply with the Board's Probation Program.** Respondent shall fully comply
12 with the conditions of the Probation Program established by the Board and
13 cooperate with representatives of the Board in its monitoring and investigation of
14 the Respondent's compliance with the Board's Probation Program. Respondent
15 shall inform the Board in writing within no more than 15 days of any address
16 change and shall at all times maintain an active, current license status with the
17 Board, including during any period of suspension.

18 Upon successful completion of probation, Respondent's license shall be
19 fully restored.

20 6. Respondent's probation is subject to revocation because he failed to
21 comply with Probation Condition 2, referenced above. The facts and circumstances regarding
22 this violation are that Respondent failed to comply with Probation Condition 16, as set forth in
23 paragraphs 7 and 8, below, in that he failed to abstain from the use of drugs or alcohol, and that
24 Respondent failed to comply with Probation Condition 17, as set forth in paragraphs 9 and 10
25 below, in that he failed to submit to tests and samples.

26 SECOND CAUSE TO REVOKE PROBATION

27 (Failure to Abstain from Use of Psychotropic Drugs or Alcohol)

28 7. At all times after the effective date of Respondent's probation, Condition
16 stated:

Abstain from Use of Psychotropic (Mood-Altering) Drugs. Respondent shall
completely abstain from the possession, injection or consumption by any route of
all psychotropic (mood altering) drugs, including alcohol, except when the same

1 are ordered by a health care professional legally authorized to do so as part of
2 documented medical treatment. Respondent shall have sent to the Board, in
3 writing and within fourteen (14) days, by the prescribing health professional, a
4 report identifying the medication, dosage, the date the medication was prescribed,
5 the Respondent's prognosis, the date the medication will no longer be required,
6 and the effect on the recovery plan, if appropriate.

7 Respondent shall identify for the Board a single physician, nurse practitioner or
8 physician assistant who shall be aware of Respondent's history of substance abuse
9 and will coordinate and monitor any prescriptions for Respondent for dangerous
10 drugs, controlled substances or mood-altering drugs. The coordinating physician,
11 nurse practitioner, or physician assistant shall report to the Board on a quarterly
12 basis Respondent's compliance with this condition. If any substances considered
13 addictive have been prescribed, the report shall identify a program for the time
14 limited use of any such substances.

15 The Board may require the single coordinating physician, nurse practitioner, or
16 physician assistant to be a specialist in addictive medicine, or to consult with a
17 specialist in addictive medicine.

18 8. Respondent's probation is subject to revocation because he failed to
19 comply with Probation Condition 16, referenced above, in that he failed to abstain from alcohol.

20 The facts and circumstances regarding this violation are as follows:

21 A. Respondent tested positive for alcohol on the following dates:
22 December 19, 2006, January 16, 2007, and March 26, 2007.

23 THIRD CAUSE TO REVOKE PROBATION

24 (Failure to Submit to Tests and Samples)

25 9. At all times after the effective date of Respondent's probation, Condition
26 17 stated:

27 **Submit to Tests and Samples.** Respondent, at his expense, shall participate
28 in a random, biological fluid testing or a drug screening program which the
Board approves. The length of time and frequency will be subject to approval
by the Board. Respondent is responsible for keeping the Board informed of
Respondent's current telephone number at all times. Respondent shall also
ensure that messages may be left at the telephone number when he is not
available and ensure that reports are submitted directly by the testing agency
to the Board, as directed. Any confirmed positive finding shall be reported
immediately to the Board by the program and Respondent shall be considered
in violation of probation.

In addition, Respondent, at any time during the period of probation, shall
fully cooperate with the Board or any of its representatives, and shall, when
requested submit to such tests and samples as the Board or its representatives
may required for the detection of alcohol, narcotics, hypnotics, dangerous
drugs, or other controlled substances.

1 If Respondent has a positive drug screen for any substance not legally
2 authorized and not reported to the coordinating physician, nurse practitioner,
3 or physician assistant, and the Board files a petition to revoke probation or
an accusation, the Board may suspend Respondent from practice pending
the final decision on the petition to revoke probation or the accusation.

4 If Respondent fails to participate in a random, biological fluid testing or
5 drug screening program within the specified time frame, Respondent shall
6 immediately cease practice and shall not resume practice until notified by
7 the Board. After taking into account documented evidence of mitigation, if
8 the Board files a petition to revoke probation or an accusation, the Board may
suspend Respondent from practice pending the final decision on the petition
to revoke probation or the accusation. This period of suspension will not
apply to the reduction of this probationary time period.

9 10. Respondent's probation is subject to revocation because he failed to
10 comply with Probation Condition 17, referenced above. The facts and circumstances regarding
11 this violation are that Respondent failed to comply with the terms and conditions of his probation
12 by failing to submit to tests and samples.

13 A. Respondent failed to submit to tests and samples by failing to test
14 with Compass Vision on the following dates: November 14, 2006, and November 30, 2006.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein
17 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking the probation that was granted by the Board of Registered
19 Nursing in Case No. 2004-351 and imposing the disciplinary order that was stayed thereby
20 revoking Registered Nurse License No. 405180 issued to Victor Raymond Lopez;

21 2. Revoking or suspending Registered Nurse License No. 405180, issued to
22 Victor Raymond Lopez;

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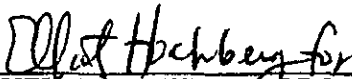
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3. Taking such other and further action as deemed necessary and proper.

DATED: 8/1/07


RUTH ANN TERRY, M.P.H., R.N
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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40159315.wpd

Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2004-351

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Victor Raymond Lopez
85 Arbor Street
San Francisco, CA 94131

Case No. 2004-351

Registered Nurse License No. 405180

Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on April 21, 2005.

IT IS SO ORDERED March 21, 2005.

Sandra R. Erickson

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
of the State of California
2 HANNAH HIRSCH ROSE, State Bar No. 56276
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5515
5 Facsimile: (415) 703-5480
6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2004-351

11 VICTOR RAYMOND LOPEZ
85 Arbor Street
12 San Francisco, CA 94131

OAH No. 2004080063

13 Registered Nurse License No. 405180

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Respondent.
15

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 **PARTIES**

20
21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Bill Lockyer, Attorney General of the State of California, by
24 Hannah Hirsch Rose, Deputy Attorney General.

25 2. Respondent Victor Raymond Lopez (Respondent) is represented in this
26 proceeding by attorney Steve Emery Teich, whose address is 1390 Market Street, Suite 310, San
27 Francisco, CA 94102.

28 3. On or about August 31, 1986, the Board of Registered Nursing issued

1 Registered Nurse License No. 405180 to Victor Raymond Lopez (Respondent). The License was
2 in full force and effect at all times relevant to the charges brought in Accusation No. 2004-351
3 and will expire on April 30, 2006, unless renewed.

4 JURISDICTION

5 4. Accusation No. 2004-351 was filed before the Board of Registered
6 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
7 The Accusation and all other statutorily required documents were properly served on Respondent
8 on June 18, 2004. Respondent timely filed his Notice of Defense contesting the Accusation. A
9 copy of Accusation No. 2004-351 is attached as exhibit A and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and
12 understands the charges and allegations in Accusation No. 2004-351. Respondent has also
13 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
14 Settlement and Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
17 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
18 the right to present evidence and to testify on his own behalf; the right to the issuance of
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to
20 reconsideration and court review of an adverse decision; and all other rights accorded by the
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
23 each and every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in
26 Accusation No. 2004-351.

27 9. Respondent agrees that his Registered Nurse License is subject to
28 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the

1 Disciplinary Order below.

2 RESERVATION

3 10. The admissions made by Respondent herein are only for the purposes of
4 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
5 professional licensing agency is involved, and shall not be admissible in any other criminal or
6 civil proceeding.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Board of Registered
9 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
10 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
11 and settlement, without notice to or participation by Respondent or his counsel. By signing the
12 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
14 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
16 action between the parties, and the Board shall not be disqualified from further action by having
17 considered this matter.

18 12. The parties understand and agree that facsimile copies of this Stipulated
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
20 force and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties
22 agree that the Board may, without further notice or formal proceeding, issue and enter the
23 following Disciplinary Order:

24 DISCIPLINARY ORDER

25 IT IS HEREBY ORDERED that Registered Nurse License No. 405180 issued to
26 Respondent Victor Raymond Lopez is revoked. However, the revocation is stayed and
27 Respondent is placed on probation for three (3) years on the following terms and conditions.

28 **Severability Clause.** Each condition of probation contained herein is a separate

1 and distinct condition. If any condition of this Order, or any application thereof, is declared
2 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
3 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
4 and enforceable to the fullest extent permitted by law.

5 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
6 A full and detailed account of any and all violations of law shall be reported by Respondent to
7 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
8 compliance with this condition, Respondent shall submit completed fingerprint forms and
9 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
10 as part of the licensure application process.

11 **Criminal Court Orders:** If Respondent is under criminal court orders, including
12 probation or parole, and the order is violated, this shall be deemed a violation of these probation
13 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

14 2. **Comply with the Board's Probation Program.** Respondent shall fully
15 comply with the conditions of the Probation Program established by the Board and cooperate
16 with representatives of the Board in its monitoring and investigation of the Respondent's
17 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
18 within no more than 15 days of any address change and shall at all times maintain an active,
19 current license status with the Board, including during any period of suspension.

20 Upon successful completion of probation, Respondent's license shall be fully
21 restored.

22 3. **Report in Person.** Respondent, during the period of probation, shall
23 appear in person at interviews/meetings as directed by the Board or its designated
24 representatives.

25 4. **Residency, Practice, or Licensure Outside of State.** Periods of
26 residency or practice as a registered nurse outside of California shall not apply toward a reduction
27 of this probation time period. Respondent's probation is tolled, if and when he resides outside of
28 California. Respondent must provide written notice to the Board within 15 days of any change of

1 residency or practice outside the state, and within 30 days prior to re-establishing residency or
2 returning to practice in this state.

3 Respondent shall provide a list of all states and territories where he has ever been
4 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
5 provide information regarding the status of each license and any changes in such license status
6 during the term of probation. Respondent shall inform the Board if he applies for or obtains a
7 new nursing license during the term of probation.

8 **5. Submit Written Reports.** Respondent, during the period of probation,
9 shall submit or cause to be submitted such written reports/declarations and verification of actions
10 under penalty of perjury, as required by the Board. These reports/declarations shall contain
11 statements relative to Respondent's compliance with all the conditions of the Board's Probation
12 Program. Respondent shall immediately execute all release of information forms as may be
13 required by the Board or its representatives.

14 Respondent shall provide a copy of this Decision to the nursing regulatory agency
15 in every state and territory in which he has a registered nurse license.

16 **6. Function as a Registered Nurse.** Respondent, during the period of
17 probation, shall engage in the practice of registered nursing in California for a minimum of 24
18 hours per week for 6 consecutive months or as determined by the Board.

19 For purposes of compliance with the section, "engage in the practice of registered
20 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
21 work in any non-direct patient care position that requires licensure as a registered nurse.

22 The Board may require that advanced practice nurses engage in advanced practice
23 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
24 Board.

25 If Respondent has not complied with this condition during the probationary term,
26 and Respondent has presented sufficient documentation of his good faith efforts to comply with
27 this condition, and if no other conditions have been violated, the Board, in its discretion, may
28 grant an extension of Respondent's probation period up to one year without further hearing in

1 order to comply with this condition. During the one year extension, all original conditions of
2 probation shall apply.

3 **7. Employment Approval and Reporting Requirements.** Respondent
4 shall obtain prior approval from the Board before commencing or continuing any employment,
5 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
6 performance evaluations and other employment related reports as a registered nurse upon request
7 of the Board.

8 Respondent shall provide a copy of this Decision to his employer and immediate
9 supervisors prior to commencement of any nursing or other health care related employment.

10 In addition to the above, Respondent shall notify the Board in writing within
11 seventy-two (72) hours after he obtains any nursing or other health care related employment.
12 Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated
13 or separated, regardless of cause, from any nursing, or other health care related employment with
14 a full explanation of the circumstances surrounding the termination or separation.

15 **8. Supervision.** Respondent shall obtain prior approval from the Board
16 regarding Respondent's level of supervision and/or collaboration before commencing or
17 continuing any employment as a registered nurse, or education and training that includes patient
18 care.

19 Respondent shall practice only under the direct supervision of a registered nurse
20 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
21 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
22 are approved.

23 Respondent's level of supervision and/or collaboration may include, but is not
24 limited to the following:

25 (a) Maximum - The individual providing supervision and/or collaboration is
26 present in the patient care area or in any other work setting at all times.

27 (b) Moderate - The individual providing supervision and/or collaboration is in
28 the patient care unit or in any other work setting at least half the hours Respondent works.

1 (c) Minimum - The individual providing supervision and/or collaboration has
2 person-to-person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health
4 care setting, the individual providing supervision and/or collaboration shall have person-to-
5 person communication with Respondent as required by the Board each work day. Respondent
6 shall maintain telephone or other telecommunication contact with the individual providing
7 supervision and/or collaboration as required by the Board during each work day. The individual
8 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
9 site visits to patients' homes visited by Respondent with or without Respondent present.

10 9. **Employment Limitations.** Respondent shall not work for a nurse's
11 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
12 traveling nurse, or for an in-house nursing pool.

13 Respondent shall not work for a licensed home health agency as a visiting nurse
14 unless the registered nursing supervision and other protections for home visits have been
15 approved by the Board. Respondent shall not work in any other registered nursing occupation
16 where home visits are required.

17 Respondent shall not work in any health care setting as a supervisor of registered
18 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
19 nurses and/or unlicensed assistive personnel on a case-by-case basis.

20 Respondent shall not work as a faculty member in an approved school of nursing
21 or as an instructor in a Board approved continuing education program.

22 Respondent shall work only on a regularly assigned, identified and predetermined
23 worksite(s) and shall not work in a float capacity.

24 If Respondent is working or intends to work in excess of 40 hours per week, the
25 Board may request documentation to determine whether there should be restrictions on the hours
26 of work.

27 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall
28 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later

1 than six months prior to the end of his probationary term.

2 Respondent shall obtain prior approval from the Board before enrolling in the
3 course(s). Respondent shall submit to the Board the original transcripts or certificates of
4 completion for the above required course(s). The Board shall return the original documents to
5 Respondent after photocopying them for its records.

6 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
7 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
8 amount of \$2860.00. Respondent shall be permitted to pay these costs in a payment plan
9 approved by the Board, with payments to be completed no later than three months prior to the
10 end of the probation term.

11 If Respondent has not complied with this condition during the probationary term,
12 and Respondent has presented sufficient documentation of his good faith efforts to comply with
13 this condition, and if no other conditions have been violated, the Board, in its discretion, may
14 grant an extension of Respondent's probation period up to one year without further hearing in
15 order to comply with this condition. During the one year extension, all original conditions of
16 probation will apply.

17 12. **Violation of Probation.** If Respondent violates the conditions of his
18 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
19 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
20 license.

21 If during the period of probation, an accusation or petition to revoke probation has
22 been filed against Respondent's license or the Attorney General's Office has been requested to
23 prepare an accusation or petition to revoke probation against Respondent's license, the
24 probationary period shall automatically be extended and shall not expire until the accusation or
25 petition has been acted upon by the Board.

26 13. **License Surrender.** During Respondent's term of probation, if he ceases
27 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
28 probation, Respondent may surrender his license to the Board. The Board reserves the right to

1 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
2 take any other action deemed appropriate and reasonable under the circumstances, without
3 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
4 will no longer be subject to the conditions of probation.

5 Surrender of Respondent's license shall be considered a disciplinary action and
6 shall become a part of Respondent's license history with the Board. A registered nurse whose
7 license has been surrendered may petition the Board for reinstatement no sooner than the
8 following minimum periods from the effective date of the disciplinary decision:

9 (1) Two years for reinstatement of a license that was surrendered for any
10 reason other than a mental or physical illness; or

11 (2) One year for a license surrendered for a mental or physical illness.

12 14. **Physical Examination.** Within 45 days of the effective date of this
13 Decision, Respondent, at his expense, shall have a licensed physician, nurse practitioner, or
14 physician assistant, who is approved by the Board before the assessment is performed, submit an
15 assessment of the Respondent's physical condition and capability to perform the duties of a
16 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
17 medically determined, a recommended treatment program will be instituted and followed by the
18 Respondent with the physician, nurse practitioner, or physician assistant providing written
19 reports to the Board on forms provided by the Board.

20 If Respondent is determined to be unable to practice safely as a registered nurse,
21 the licensed physician, nurse practitioner, or physician assistant making this determination shall
22 immediately notify the Board and Respondent by telephone, and the Board shall request that the
23 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
24 shall immediately cease practice and shall not resume practice until notified by the Board.
25 During this period of suspension, Respondent shall not engage in any practice for which a license
26 issued by the Board is required until the Board has notified Respondent that a medical
27 determination permits Respondent to resume practice. This period of suspension will not apply
28 to the reduction of this probationary time period.

1 If Respondent fails to have the above assessment submitted to the Board within
2 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
3 practice until notified by the Board. This period of suspension will not apply to the reduction of
4 this probationary time period. The Board may waive or postpone this suspension only if
5 significant, documented evidence of mitigation is provided. Such evidence must establish good
6 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
7 provided. Only one such waiver or extension may be permitted.

8 **15. Participate in Treatment/Rehabilitation Program for Chemical**
9 **Dependence.** Respondent, at his expense, shall successfully complete during the probationary
10 period or shall have successfully completed prior to commencement of probation a Board-
11 approved treatment/rehabilitation program of at least six months duration. As required, reports
12 shall be submitted by the program on forms provided by the Board. If Respondent has not
13 completed a Board-approved treatment/rehabilitation program prior to commencement of
14 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
15 a program. If a program is not successfully completed within the first nine months of probation,
16 the Board shall consider Respondent in violation of probation.

17 Based on Board recommendation, each week Respondent shall be required to
18 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
19 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
20 by the Board. If a nurse support group is not available, an additional 12-step meeting or
21 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
22 such attendance to the Board during the entire period of probation. Respondent shall continue
23 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
24 mental health examiner and/or other ongoing recovery groups.

25 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
26 shall completely abstain from the possession, injection or consumption by any route of all
27 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
28 the same are ordered by a health care professional legally authorized to do so as part of

1 documented medical treatment. Respondent shall have sent to the Board, in writing and within
2 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
3 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
4 medication will no longer be required, and the effect on the recovery plan, if appropriate.

5 Respondent shall identify for the Board a single physician, nurse practitioner or
6 physician assistant who shall be aware of Respondent's history of substance abuse and will
7 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
8 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
9 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
10 condition. If any substances considered addictive have been prescribed, the report shall identify a
11 program for the time limited use of any such substances.

12 The Board may require the single coordinating physician, nurse practitioner, or
13 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
14 addictive medicine.

15 **17. Submit to Tests and Samples.** Respondent, at his expense, shall
16 participate in a random, biological fluid testing or a drug screening program which the Board
17 approves. The length of time and frequency will be subject to approval by the Board.
18 Respondent is responsible for keeping the Board informed of Respondent's current telephone
19 number at all times. Respondent shall also ensure that messages may be left at the telephone
20 number when he is not available and ensure that reports are submitted directly by the testing
21 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
22 to the Board by the program and Respondent shall be considered in violation of probation.

23 In addition, Respondent, at any time during the period of probation, shall fully
24 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
25 tests and samples as the Board or its representatives may require for the detection of alcohol,
26 narcotics, hypnotics, dangerous drugs, or other controlled substances.

27 If Respondent has a positive drug screen for any substance not legally authorized
28 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the

1 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
2 from practice pending the final decision on the petition to revoke probation or the accusation.
3 This period of suspension will not apply to the reduction of this probationary time period.

4 If Respondent fails to participate in a random, biological fluid testing or drug
5 screening program within the specified time frame, Respondent shall immediately cease practice
6 and shall not resume practice until notified by the Board. After taking into account documented
7 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
8 Board may suspend Respondent from practice pending the final decision on the petition to
9 revoke probation or the accusation. This period of suspension will not apply to the reduction of
10 this probationary time period.

11 18. **Mental Health Examination.** Respondent shall, within 45 days of the
12 effective date of this Decision, have a mental health examination including psychological testing
13 as appropriate to determine his capability to perform the duties of a registered nurse. The
14 examination will be performed by a psychiatrist, psychologist or other licensed mental health
15 practitioner approved by the Board. The examining mental health practitioner will submit a
16 written report of that assessment and recommendations to the Board. All costs are the
17 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
18 result of the mental health examination will be instituted and followed by Respondent.

19 If Respondent is determined to be unable to practice safely as a registered nurse,
20 the licensed mental health care practitioner making this determination shall immediately notify
21 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
22 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
23 practice and may not resume practice until notified by the Board. During this period of
24 suspension, Respondent shall not engage in any practice for which a license issued by the Board
25 is required, until the Board has notified Respondent that a mental health determination permits
26 Respondent to resume practice. This period of suspension will not apply to the reduction of this
27 probationary time period.

28 If Respondent fails to have the above assessment submitted to the Board within


1 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
2 practice until notified by the Board. This period of suspension will not apply to the reduction of
3 this probationary time period. The Board may waive or postpone this suspension only if
4 significant, documented evidence of mitigation is provided. Such evidence must establish good
5 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
6 provided. Only one such waiver or extension may be permitted.

7 19. **Therapy or Counseling Program.** Respondent, at his expense, shall
8 participate in an on-going counseling program until such time as the Board releases him from this
9 requirement and only upon the recommendation of the counselor. Written progress reports from
10 the counselor will be required at various intervals.

11 ACCEPTANCE

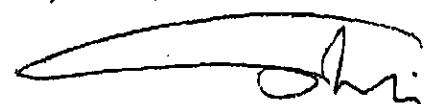
12 I have carefully read the above Stipulated Settlement and Disciplinary Order and
13 have fully discussed it with my attorney, Steve Emery Teich. I understand the stipulation and the
14 effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and
15 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
16 Decision and Order of the Board of Registered Nursing.

17 DATED: Aug 18, 2004.

18
19 
20 VICTOR RAYMOND LOPEZ
21 Respondent

22 I have read and fully discussed with Respondent Victor Raymond Lopez the terms
23 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
24 Order. I approve its form and content.

25 DATED: Aug 27, 2004.


26
27 
28 STEVE EMERY TEICH
Attorney for Respondent

1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
4 Affairs.

5
6 DATED: 8/27/04

7 BILL LOCKYER, Attorney General
8 of the State of California

9 
10 HANNAH HIRSCH ROSE
11 Deputy Attorney General

12 Attorneys for Complainant

13 DOJ Docket/Matter ID Number: 03579110-SF2004400438
14 Lopez.stipulation.wpd
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Exhibit A
Accusation No. 2004-351

1 BILL LOCKYER, Attorney General
of the State of California
2 HANNAH HIRSCH ROSE, State Bar No. 56276
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5515
5 Facsimile: (415) 703-5480
6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2004-351

13 VICTOR RAYMOND LOPEZ
85 Arbor Street
San Francisco, CA 94131

A C C U S A T I O N

14 Registered Nurse License No. 405180

15 Respondent.
16

17
18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about August 31, 1986, the Board of Registered Nursing issued
24 Registered Nurse License Number 405180 to Victor Raymond Lopez (Respondent). The
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on April 30, 2006, unless renewed.

27 JURISDICTION

28 3. This Accusation is brought before the Board of Registered Nursing

(Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct

8. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

....

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

10. **"Hydrocodone"** also known as **"Vicodin"** is a Schedule III controlled substance pursuant to Health and Safety Code section 11056(e) and a dangerous drug pursuant to Business and Professions Code section 4022. Hydrocodone is a semisynthetic narcotic analgesic and antitussive with multiple actions qualitatively similar to codeine.

11. **"Morphine"** is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(M) and a dangerous drug pursuant to Business and Professions Code section 4022. Morphine is a principal alkaloid of opium and considered to be the prototype of the opiate agonists. Morphine Sulfate is a narcotic analgesic prescribed to reduce pain.

12. **"Demerol"**, also known as **"Meperidine"** and/or **"Meperidine Hydrochloride"**, is a Schedule II controlled substance pursuant to Health and Safety Code section 11055(b)(2) and a dangerous drug pursuant to Business and Professions Code section 4022. Meperidine, also referred to as Meperidine Hydrochloride, is a narcotic analgesic with multiple actions qualitatively similar to those of morphine.

FIRST CAUSE FOR DISCIPLINE

(Self-Administer Narcotics)

13. Respondent is subject to disciplinary action under sections 2761(a) and 2762(a) in that by his own admission between about November 29, 2001 and January 8, 2002 while employed as a registered nurse at Veteran's Affairs Medical Center, in San Francisco, California he diverted narcotics, including Vicodin, Demerol and Morphine Sulphate for his own personal use. Respondent admitted that he signed out these narcotics from hospital supply for fictitious patients and that he took them for himself and used them while off duty.

//

1 SECOND CAUSE FOR DISCIPLINE

2 (2762(e) - Falsify Hospital Records)

3 14. Respondent is subject to disciplinary action under sections 2761(a) and
4 2762(e) in that by his own admission, between about November 29, 2001 and January 8, 2002
5 while employed as a registered nurse at Veteran's Affairs Medical Center, in San Francisco,
6 California he falsified hospital records for narcotics in order to divert Demerol and Morphine
7 Sulphate from hospital supply for his own personal use.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 405180, issued
12 to Victor Raymond Lopez;

13 2. Ordering Victor Raymond Lopez to pay the Board of Registered Nursing
14 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 6/10/04

18
19 Ruth Ann Terry
20 RUTH ANN TERRY, M.P.H., R.N.
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

26 03579110-SF2004400438

27 LopezVictor.accusation.wpd

28 type initials of preparer and date prepared